

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Toth et al.	Examiner:	Rita J. Desai
Application No.:	10/800,290	Group Art Unit:	1625
Filed:	March 12, 2004	Docket No.:	14669.0065USU1
Title:	PROCESSES FOR PREPARATION OF POLYMORPHIC FORMS OF DESLOXATADINE		

Confirmation No. 8258

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. At least some of the references were recently cited in an International Search Report. Enclosed for the Examiner's information are copies of the International Search Reports. Applicants note references WO99/01450 and USP 6,506,767 listed in the Search Report were previously cited to or by the Examiner.

This statement should be considered because it is submitted after the mailing date of the first Office Action, but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. § 1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

23552

PATENT TRADEMARK OFFICE

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(404) 954-5061



Daniel R. Evans, Ph.D., Reg. No. 55,868